

Application No.: 10/975,769  
Docket No.: IM1319 US NA

**REMARKS**

Reconsideration of this application is respectfully requested.  
Claim 66 has been amended in order to provide proper antecedent basis from process Claim 29.

The rejection of Claims 1 through 74 as being anticipated by Fan et al. (U.S. 6,773,859), under 35 U.S.C. 102(e), is respectfully traversed. Claims 1, 25 and 29 recite a photosensitive element comprising a support, at least one elastomeric photopolymerizable layer on the support that has a surface opposite the support defining a plane, and a matted layer disposed above the surface of the photopolymerizable layer. The matted layer comprises a polymeric binder and at least one *matting agent capable of forming depressions from the plane into the photopolymerizable layer* and selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof.

Fan et al. disclose a process for preparing a flexographic printing plate from a photosensitive element having a photopolymerizable layer and a thermally removable layer. The thermally removable layer can be a composition having at least one binder and filler, wherein the binder is less than 49% by weight based on the total weight of the binder and filler.

Fan et al. do not show or suggest that the filler material is selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof. Although there may appear to be some overlap in material disclosed as filler by Fan et al. with the claimed matting agent, in the present invention at least one matting agent must have one or more of the above-described properties which includes pore volume, BET surface, oil number, or contains a crosslinkable group. Fan et al. do not show or suggest a matting agent having such properties.

Furthermore, under 35 U.S.C. 103(e), the reference of Fan et al. is not available as a competent reference, under 35 U.S.C. 102(e), since the subject matter

Application No.: 10/975,769  
Docket No.: IM1319 US NA

of Fan et al. and the presently claimed invention were, at the time the invention was made, both subject to an obligation of assignment to E. I. du Pont de Nemours and Company.

The rejection of Claims 1 through 74 as being anticipated by Fujimoto et al. (U.S. 6,897,006), under 35 U.S.C. 102(e), is respectfully traversed. Fujimoto et al. disclose a multilayered photosensitive material for use as a flexographic printing plate by direct patterning with an infrared laser beam. The multilayered material includes a substrate, a photosensitive resinous layer having sensitivity to light except infrared light, a barrier layer of a composition of a resin selected from polyvinyl pyrrolidones and alkali-soluble cellulose compounds, a masking layer of a film-forming resin and infrared absorbing compound and a compound removable by irradiation with infrared laser beam.

Fujimoto et al. do not show or suggest that the particles of infrared absorbing compound or non-infrared shielding compounds in the masking layer, are selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof. Although there may appear to be some overlap in materials disclosed as infrared absorbing agents by Fujimoto et al. with the claimed matting agent, in the present invention at least one matting agent must have one or more of the above-described properties which includes pore volume, BET surface, oil number, or contains a crosslinkable group. Even in an embodiment of the present invention where the matted layer may form an integrated masking layer that includes a material having high infrared absorption and a material that prevents the transmission of actinic radiation, it is clear that this embodiment of the matted layer still contains the matting agent and a polymeric binder. The materials with high infrared absorption and that prevent transmission of actinic radiation are not substitutes for or substituted by the matting agent. Furthermore, Fujimoto et al. do not show or suggest that the filler is a *matting agent capable of forming depressions into the plane of the photopolymerizable element, as recited by the present claims.*

The rejection of Claims 1 through 74 as being anticipated by Leenders et al. (U.S. 6,358,668), under 35 U.S.C. 102(e), is respectfully traversed. Leenders et al.

Application No.: 10/975,769  
Docket No.: IM1319 US NA

disclose a flexographic printing plate precursor comprising an ink-jet receiving layer. The precursor includes a base, a photopolymer layer, a barrier layer having a polymer different from gelatin, and an ink-receiving layer having a main component of gelatin. Leenders et al. do not show or suggest that the organic or inorganic fillers, or porous particulate material, or spacing agents of the receiving layer, are selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof. Although there may appear to be some overlap in materials disclosed as fillers, particulate material, or spacing agents by Leenders et al. with the claimed matting agent, in the present invention at least one matting agent must have one or more of the above-described properties which includes pore volume, BET surface, oil number, or contains a crosslinkable group. Furthermore, Leenders et al. do not show or suggest that the fillers or particulate material or spacing agents in the receiving layer are *matting agents capable of forming depressions into the plane of the photopolymerizable element, as recited by the present claims.*

Patentability relies upon the distinctive limitations recited in present Claims 1, 25 and 29. Claims 2 through 24, 26 through 28, and 30 through 74, which directly depend or ultimately depend from Claims 1, 25 or 29, incorporate the patentable novelty of Claims 1, 25 and 29. Therefore, the allowance of Claims 2 through 24, 26 through 28, and 30 through 74 appears to be in order for at least the reasons given with respect to Claims 1, 25 and 29.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



Thomas H. Magee  
Attorney for Applicants  
Registration No. 27,355  
Telephone: 302-892-0795  
Facsimile: 302-892-7949

Date: March 13, 2006